

net,
**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

VOLUME 1. Part 14. Pp. 115-126.

OPINION 5

The status of certain pre-Linnean names
reprinted subsequent to 1757

LONDON :

Printed by Order of the International Commission on
Zoological Nomenclature

Sold at the Publications Office of the Commission
41, Queen's Gate, London, S.W.7

1944

Price three shillings

(All rights reserved)

INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 5*

The Officers of the Commission

President : Professor Raphael Blanchard (France).

Executive Secretary : Dr. Charles Wardell Stiles (U.S.A.).

Recording Secretary : Professor F. C. von Maehrenthal (Germany).

The Members of the Commission

Class 1907

Dr. H. HORST (Netherlands).

Dr. F. A. JENTINK (Netherlands).

Professor David Starr JORDAN (U.S.A.).

Herr Geheimrat Dr. F. E. SCHULZE (Germany).

Dr. Leonhard STEJNEGER (U.S.A.).

Class 1910

Monsieur le Professeur Raphael BLANCHARD (France) (*President of the Commission*).

Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STUDER (Switzerland).

Professor R. Ramsay WRIGHT (Canada).

Class 1913

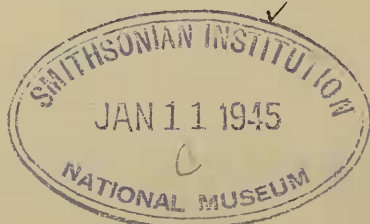
Monsieur le Professeur Ph. DAUTZENBERG (France).

Professor William Evan HOYLE (United Kingdom).

Dr. L. von GRAFF (Austria-Hungary).

Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary to the Commission*).

Professor F. OSBORN (U.S.A.).



OPINION 5.

THE STATUS OF CERTAIN PRE-LINNEAN NAMES REPRINTED SUBSEQUENT TO 1757.

SUMMARY.—A pre-Linnean¹ name, ineligible because of its publication prior to 1758, does not become eligible simply by being cited² or reprinted with its original diagnosis after 1757. To become eligible under the Code, such names must be re-inforced³ by adoption or acceptance by the author publishing the reprint. Examples : The citation, subsequent to 1757, of a bibliographic reference to a paper published prior to 1758 does not establish technical names which may appear in said reference : synonymic citation of pre-Linnean names, as in the tenth edition of Linnaeus's *Systema Naturae*, does not establish such names under the Code.

Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

NOTE I.

On the date of the adoption of Opinion 5.

This *Opinion* was unanimously adopted by the International Commission on Zoological Nomenclature at their Session held at Boston in August 1907.⁴

2. The following eight (8) Members of the Commission were present at that Session and accordingly voted in favour of this *Opinion* :—

Blanchard; von Graff; Hoyle; Jordan⁵; Osborn; Stejneger; Stiles; and Studer.

¹ For the sense in which expression "pre-Linnean" is here used, see NOTE 3 below (pp. 118-119).

² For the relation of this decision to that embodied in *Opinion* 4 (in relation to the status of manuscript names) see NOTE 4 below (pp. 119-124).

³ Several examples of cases where post-1757 authors failed to "re-inforce" pre-1758 names when republishing them are given in NOTE 4 below (paragraphs 5 and 6).

⁴ It appears from paragraph 2 of *Opinion* 21 that at least preliminary agreement had been reached in the Commission in regard to *Opinion* 5 by correspondence before the opening of their Boston Session in 1907.

⁵ The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 5 was not a member of the Commission.

3. The following seven (7) Members of the Commission were not present at the Boston Session of the International Commission and are not recorded as having voted on the present *Opinion* :—

Dautzenberg; Horst; Jentink; Joubin; Maehrenthal; Schulze; and Wright.

NOTE 2.

On the date of the publication of Opinion 5.

This *Opinion* was first published on 18th October 1907 in *Science*, New York **26** : 522. It was published also in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology which appeared in the *Proceedings* of the Congress issued in 1912. In the meanwhile it had been reprinted in July 1910 (*Smithsonian Publication* **1938** : 6) when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

NOTE 3.

On the use of the expression "pre-Linnean" in Opinion 5.

It will be observed that both in the title to this *Opinion* and in the body of the *Opinion* itself, the International Commission made use of the expression "pre-Linnean." At the time when this *Opinion* was rendered (1907) the expression "a pre-Linnean work" was commonly used to signify any zoological work which was published before the introduction of the system of "binary nomenclature" by Linnaeus in the 10th edition of his *Systema Naturae*. As so used, the expression "pre-Linnean" was an adjective applying to any zoological work published before 1st January 1758, the date on which, in accordance with the provisions of *Opinion* ⁶ the 10th edition of the *Systema Naturae* is deemed to have been published. Thus, the expression "pre-Linnean" was used as though it was the exact equivalent of the expression "pre-1758." The latter would have been a more correct expression, since, when the expression "pre-Linnean" is defined in the manner indicated above, it is an epithet which applies not only to zoological works published before 1758 by all authors other than Linnaeus but also to all the works published

⁶ See NOTE 3 to *Opinion* 3 (pp. 98-100 above).

by Linnaeus himself before the publication in 1758 of the 10th edition of his *Systema Naturae*.

NOTE 4.

On the relation of Opinion 5 to Opinion 4.

The present *Opinion* (*Opinion* 5) qualifies *Opinion* 4, by defining the conditions in which that *Opinion* applies to a particular class of names, namely names which were originally published before 1758 but which were republished either in 1758 or at any subsequent date. Since the Law of Priority applies only to names published on, or after, 1st January 1758,⁷ a name published before that date has no status in nomenclature and is thus in exactly the same position as a manuscript name. In the absence of special provision to the contrary, *Opinion* 4 would have applied in its entirety to any name originally published before 1758 as soon as that name was republished at any time subsequent to 31st December 1757, in the same way as it applies to other names, e.g. manuscript names that have no status until their publication subsequent to 31st December 1757. *Opinion* 5 is designed to regulate the application of *Opinion* 4 in the case of pre-1758 names when subsequently republished.

2. *Opinion* 5 covers the three classes of case described in the following paragraphs.

- (a) *Position as regards names contained in works originally published before 1758, when such works are republished at any time subsequent to 31st December 1757.*

3. If *Opinion* 4 had applied in its entirety to names contained in works originally published before 1758 the position would have been that, where such a work was republished at any time subsequent to 31st December 1757, any name contained in a work so reprinted (or otherwise republished) would have been available under the Code, if it could be shown that the name complied with the requirements of Article 25. Many such names would satisfy proviso (a) of that Article (the requirement that the name should be accompanied by an indication⁸ or definition or a description); but in very few cases would it be possible to establish that proviso (b) of Article 25 had been complied with, since few pre-1758 works can be said to have been published by authors who, at the

⁷ See NOTE 3 to *Opinion* 3 (pp. 98-100 above).

⁸ See *Opinion* 1 (pp. 73-86).

time of publication, accepted the principles of "binary nomenclature." Nevertheless, some pre-1758 works appear to satisfy that condition, especially if the wider interpretation of the expression "binary nomenclature" adopted by the Commission in *Opinion* 20 is ultimately accepted as the correct interpretation of that expression.⁹ Examples of cases where a pre-1758 author might be held to have applied the principles of binary nomenclature are provided (i) by works which deal with genera only and as regards which it is impossible to determine what were the author's views about the nomenclature of species and (ii) by works where (as happened sometimes also after 1757) an author, who was non-binominal but, under the wider interpretation of the expression "binary nomenclature," was a binary author, happened to use two latin words as the name for a species and thus accidentally published a specific name that had the appearance of being a binominal name.

4. The restriction imposed by *Opinion* 5 on the application of *Opinion* 4 to names first published before 1758 and subsequently republished, secures that, in order to become eligible for consideration under Article 25 of the Code, a name contained in a work republished after 31st December 1757 must be expressly re-inforced either (i) by adoption or (ii) by acceptance by the author publishing the reprint.

5. The effect of this provision will be shown by the following example which arose in connection with two *Opinions* (*Opinions* 67 and 103) relating to the generic names *Coturnix* and *Grus* respectively. In 1758 there was published at Amsteldam a work under the title *Geslachten der Vogel* which was a translation by C. Nozeman and A. Vosmaer of a work by P. H. G. Moehring entitled *Avium Genera* which had been originally published in 1752. The Nozeman and Vosmaer edition contains a number of generic names for birds that were not included by Linnaeus in the 10th edition of his *Systema Naturae* and were not published by any other binary author in 1758. The question that had to be considered was therefore whether such generic names as *Grus* and *Coturnix* which are contained in Nozeman and Vosmaer edition and which had not previously been published after the close of 1757, are names that are available under Article 25 of the Code as from the date of

⁹ The question of the meaning to be attached to the expression "binary nomenclature" as used in the International Code is at present *sub judice*, as it was expressly referred by the Twelfth International Congress of Zoology to the International Commission on Zoological Nomenclature for deliberation and report. See 1943, *Bull. zool. Nomencl.* 1: 45, 55.

their publication by Nozeman and Vosmaer. Reference to the Nozeman and Vosmaer edition shows clearly that these authors did not add any latin names of their own and that the generic names which appear in their edition are all names carried over from Moehring's original edition of 1752, without being reinforced either by acceptance or adoption. The new generic names in the Nozeman and Vosmaer edition therefore fail to satisfy the requirements of *Opinion* 5. Accordingly, such names are not eligible under Article 25. These names have therefore no status (or availability) as from 1758 and they do not pre-occupy as homonyms the same names when published at a later date by an author whose work complied with the requirements of Article 25 of the Code. For these reasons the names *Coturnix* and *Grus* were not accepted by the International Commission as having priority from Nozeman and Vosmaer¹⁰ in Moehring, 1758, but

¹⁰ The question of the status of the Nozeman and Vosmaer edition of Moehring's *Genera Avium* was recently re-examined in connection with the preparation of the *Official List of Generic Names in Zoology* for publication in book form since it was necessary to insert notes explaining why the names *Coturnix* and *Grus* were not accepted as from Nozeman and Vosmaer, 1758. For this purpose the Nozeman and Vosmaer edition of 1758 and original edition of Moehring 1752 were studied separately and the two were then compared with one another.

The following are extracts from the report on this subject furnished by Commissioner Karl Jordan, *President of the Commission* :—

(i) *Report dated 19th December 1943 :*

I have read the introduction by Vosmaer and the *Bericht van den Vertaaler* (translator) (Nozeman) in order to find out whether there was anything said about nomenclature. Nozeman says : (my free translation from the Dutch) ' to find the right names in our language as terms for the genera (and geene anderen = and nothing else) which the very learned Moehring has described (aangetekend) has cost me long and sometimes annoying inquiries. . . . '

To judge from what I have translated above, Nozeman wanted Dutch names only, and only for genera. The descriptions of the genera begin on p. 9 and the method is as follows :—

1. WARVOGEL, in 't Latyn door den Heere MOEHRING genoemd *Collyrio*.
Hy is by den Heer C. LINNAEUS, in *Edit. 6 Syst. Nat. Gen.* 78
gezet by den Beemer, [*Ampelis*]. [The square bracket means the
name is added by Nozeman.]
3. GROOTBEK, TOUCAN, in het Latyn *Bucco*.
Hy is de *Ramphastos* van Linn. *Syst. Nat.* het 38ste geslacht.
56. KASUARIS, in 't Lat. *Cela*.
Casuarius by Linnaeus gesl. 63.
Emeu. by Clusius. *Exot. L. v. c.* 3.
(Then follows the description in every case).

As exemplified by 3 and 56 (and others) the principle of priority was not in Nozeman's mind. The Latin names were added to the Dutch ones because Moehring 1752 had them. Neither Nozeman nor Vosmaer indicate

were attributed to the first subsequent binary author by whom they were respectively published.

6. Other examples of a similar character are afforded by the edition of Catesby (M.), 1743, *Natural History of Carolina, Florida, and the Bahama Islands* published by G. Edwards in 1771 (*Opinion* 13) and the German translation by Gadebusch published in 1762 of Hasselquist, 1757, *Iter palaestinum* (*Opinion* 57).

anywhere that they accept them as the scientific names of the genera. However, they are certainly published after Linnaeus's 10th edition.

(ii) *Supplementary report dated 12th January 1944 :*

I have now compared Moehring, *Avium Genera* 1752, with the translation of 1758, and am perfectly satisfied that the translator has not added any Latin names of his own. All the Latin names are those of 1752; the spelling is the same except that the letter i is replaced by y and that there are one [or two printing errors or penslips. The additions to Moehring 1752 made in the translated 1758 edition contain some Latin names, but all these are quoted from older authors and are not available.

Examples :—

1752

36. PARUS. *Linn. gen.* 76., ed. 6. *gen.* 83.

[Then follows description of genus.]

note (a) Variat incisio apicis linguae : in *paro maiore* apex 3 vel 4 setis terminatus; in *paro caeruleo* apex setis quidem terminatus, sed setarum una vel altera in quibusdam individuis lacera evadit. *Paro atro* est singula seta in singulo apicis truncati margine, medio spatio fere verticali, integro. (All "v's" are printed "u". K.J.).

37. ORITES.

Parus caudatus Auctorum.

[Then follows description of genus.]

1758

36. MEES, in 't Latyn *Parus*.

Linnaeus. *Syst. Nat.* geslacht 83.

then follows description; words in italics in 1752 here again in italics. Sometimes in the 1758 edition a word or two are added in square brackets.

note (a) De sneede in de punt der Tong is verscheiden : In den *Grooten Mees* eindigt de punt in drie of vier borstelhaartjes : In den *Blaauwen Mees*, [of *Pimpel*] eindigt de punt mede wel in 'borsteltjes; maar het eene of 't andere van deze borstelhaartjes word in sommige byzondere Meezen meer gefnazeld. De *Zwarte Mees* heft één enkel borstelhaartje op elken rand der geknotte tongpunt, welke rand halver weg omtrent rechtsstandig [*verticalis*] en gaaf is.

37. STAARTMEES, in 't Latyn *Orites*.

De *Langstaart-Mees* der Schryveren.

[Then follows description.]

- (b) *Position as regards a name contained in a work originally published before 1758 when a reference thereto is published by a binary author at any time subsequent to 31st December 1757.*

7. *Opinion 4* provides that a manuscript name published at any time subsequent to 31st December 1757 by a binary author acquires rights of priority as from that date and that this applies irrespective of whether or not the author by whom the manuscript name is published accepts the name or not.

8. In the study of a name published in this period following the publication in 1758 of the 10th edition of Linnaeus's *Systema Naturae*, it is frequently necessary to refer to the use either of that name or of some other name by authors prior to 1758, since a knowledge of the nature of such use may be essential for the identification of the earliest name for the organism under study. Very great inconvenience would however be caused if the mere publication after 1757 of a bibliographical reference to a pre-1758 name were sufficient to confer upon that name priority as from the date on which the reference thereto was published.

9. This aspect of the problem was dealt with by the International Commission in *Opinion 5* where they made it clear that nothing in *Opinion 4*¹¹ is to be construed as validating, and therefore as conferring any priority upon, a name originally published before 1758 where the re-publication of the name after 1757 consists only of a bibliographical reference thereto. *Opinion 5* lays it down that, before such a name acquires priority on being republished after 1757, the author republishing the name must re-inforce the status of the name either by adopting the name or by accepting it.

- (c) *Position as regards a name originally published before 1758, when a bibliographical reference to the work in which the name was so published is cited in a synonymy published after 1757.*

10. This class of case is a development of the class dealt with in section (b) above, the difference being that section (b) is concerned with cases where a bibliographical reference to a pre-1758 name is given in a work published after 1757, whereas the class of case here under consideration is that where after 1757 a bibliographical reference to a pre-1758 name is included in a synonymy published by a binary author in conditions which

¹¹ *Opinions 4* and *5* were drafted, approved and published concurrently.

satisfy also the requirements of proviso (a) to Article 25 of the Code.

11. *Opinion 5* makes it clear that the inclusion after 1757 of a bibliographical reference to a pre-1758 name in a synonymy does not validate that name or confer any priority upon it, since, as in the class of case dealt with in paragraphs 7-9 above, it is necessary for a post-1757 author himself to adopt or accept a pre-1758 name before any validity or right of priority is conferred upon that name. To illustrate this proposition, the Commission quoted in *Opinion 5* the 10th edition of Linnaeus's *Systema Naturae* (which by *Opinion 3* is deemed to be the first binary work to have been published in 1758). In this example, the Commission pointed out that the citation by Linnaeus of pre-1758 names in the synonymies included in 1758 in the *Systema Naturae* do not establish those names under Article 25 of the Code.

12. It will be seen therefore that the effect of the foregoing provision in *Opinion 5* is wholly to exclude from the scope of *Opinion 4* pre-1758 names when on republication such names are published only in synonymies.

FRANCIS HEMMING

*Secretary to the International Commission
on Zoological Nomenclature*

Secretariat of the Commission,
at the British Museum (Natural History),
Cromwell Road, LONDON, S.W.7.

10th May, 1944.

THE PUBLICATIONS OF THE COMMISSION.

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of :—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision ;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above ; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

The *Bulletin* was established in 1943, in which year three Parts were published. Part 4 has been published in 1944 and Parts 5 and 6 are in the press.

Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely :—

Volume 1. This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-15 (containing *Declarations* 1-9 and *Opinions* 1-6) have now been published. Further Parts will be published shortly.

Volume 2. This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10-12 (with Roman pagination) and *Opinions* 134-181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1-26, containing *Declarations* 10-12 and *Opinions* 134-156, have now been published. Further Parts will be published shortly.

Volume 3. This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-4 (containing *Opinions* 182-185) have now been published. Further Parts will be published as soon as possible.

APPEAL FOR FUNDS

The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £773 13s. 7d. were received up to 30th June 1944. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

Contributions should be sent to the International Commission at their Publications Office, 41, Queen's Gate, London, S.W. 7, and made payable to the "International Commission on Zoological Nomenclature or Order" and crossed "Account payee. Coutts & Co."